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# United States Senate

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June 13, 2003

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Federal Communications Commission  
Office of the Secretary

The Honorable Michael K. Powell  
Federal Communications Commission  
445 12th Street, S.W., Room 8-B201  
Washington, D.C. 20554

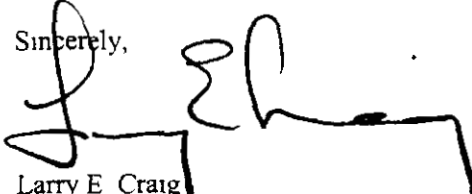
Dear Chairman Powell,

The Federal Communications Commission (FCC) currently has before it an application seeking consent to a merger between Univision Communications Inc. (Univision) and Hispanic Broadcasting Corporation (HBC). It has come to my attention that several members of Congress have called upon you to establish a different regulatory treatment for stations choosing to serve a predominantly Hispanic audience. The suggestion that the FCC designate an artificial "Spanish-language market" based upon the ethnicity/language preference of a broadcast station's audience has no basis in law and should not be countenanced by your agency. Similarly, a station owner's choice of programming bears no relevance to the FCC's consideration of the merits of a transaction.

The FCC has previously determined, and the courts have agreed, that the programming format of a broadcast station has no bearing on the Commission's review of applications. The Commission has long rejected consideration of programming format, including language, when reviewing applications for a proposed transfer of stations. The fact that Univision and HBC have decided to program their stations with Spanish-language formats falls well within their rights as station owners and is irrelevant to the FCC's determination of whether the proposed merger is in the public interest. Furthermore, basing the FCC's regulatory treatment of a station upon the station's program format may well discourage broadcast station owners from selecting minority-oriented formats.

Some opponents of the Univision/HBC merger have also encouraged the FCC to block the merger based on the fact that the majority shareholder of Univision is "non-Hispanic." Such consideration of the race, ethnicity, or gender of a station owner has no bearing on the Commission's review and no basis in law. I trust that in promptly completing your review of the Univision/HBC merger, you will reject categorically the notion of segregating the Hispanic population of this country into a separate class and applying a different set of ownership rules to those that have admirably served this minority audience.

Sincerely,



Larry E. Craig  
United States Senator

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